

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2005-011649

01/18/2006

HONORABLE DEAN M. FINK

CLERK OF THE COURT
J. Friess
Deputy

FILED: 02/01/2006

JOHN TORZALA, et al.

WILLIAM J WOLF

v.

DANIEL J RADACOSKY, et al.

DANIEL J RADACOSKY

MINUTE ENTRY

The Court has received and reviewed Defendant's Motion for Reconsideration filed December 29, 2005; Defendant Daniel Radacosky's Motion for Relief from Judgment Pursuant to Rule 60(C), Ariz.R.Civ.P. filed December 29, 2005; and Plaintiffs' Response to Defendant's Motion for Reconsideration filed January 4, 2006.

Pursuant to Rule 7.1(C), Ariz.R.Civ.P.,

IT IS HEREBY ORDERED declining the request for oral argument, as the Court finds oral argument would not assist the Court in making its determination.

IT IS FURTHER ORDERED denying the Motion for Reconsideration.

Regarding the Motion for Rule 60(C) Relief,

THE COURT FINDS that the issue raised in the motion is a defense that should have been raised in response to the complaint. Because this judgment was rendered by default, the Court finds that Mr. Radacosky has waived his right to assert defenses. Accordingly,

IT IS FURTHER ORDERED denying the Motion for Relief from Judgment.

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/ s / HONORABLE DEAN M. FINK

JUDICIAL OFFICER OF THE SUPERIOR COURT